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CONGRESSIONAL RECORD — SENATE

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would we then be justified in unilateral action?

Let the record be clear that it is my opinion that we would be justified if—and only if—we believed that the security of the United States was directly threatened by such a Communist takeover.

That is the Cuban case all over, so far as the missile situation is concerned. President Kennedy acted unilaterally in that situation, in that there was no formal agreement at the time he acted on the part of our allies in Latin America, but there was an informal understanding. There was immediately a full briefing of our allies in the Western Hemisphere, as to why the President found it necessary from the standpoint of the security of our country to take the action which he did. Everyone knows what the aftermath was; namely, complete understanding. Not only that, we had the acceptance of that act on the part of the United States to protect its own security, which is not removed from us by the OAS Charter—or the United Nations Charter, for that matter.

I hope that the hypothetical points I have just outlined will not develop.

Many disagree with me in the position I took, but I thought it was a great mistake for the United States to recognize the military junta in the Dominican Republic.

Remember that when the President invited a group of us to a Cabinet meeting for a briefing on the situation, mine was the lone dissent in the group. I stated at that meeting that I feared recognition of the military junta would be interpreted in many places—including the Dominican Republic—as a rejection on the part of the United States of constitutionalism in the Dominican Republic. I further stated then, and reiterated on the floor of the Senate immediately thereafter, that I held no special brief for Bosch, and did not know the facts about the allegations concerning him, but that I knew he was President constitutionally.

He had left the country. The Constitution called for his successor to take office. I said it was a great mistake for the United States to recognize and assist the military junta in open defiance of that constitutional system; that our position ought to be that the next man in line should take office; and that the Congress of the Dominican Republic should be defended and should be allowed to carry out its constitutional authority.

I said in that Cabinet meeting and later on the floor of the Senate that if we did not follow that course of action we would be inviting other uprisings in the Dominican Republic and would play into the hands of military juntas elsewhere in Latin America.

The record is perfectly clear that that is exactly what is happening and what has happened in other places, and will continue to happen, so long as the United States follows, as it does intermittently, a course of action in respect to aiding governments which come into being through military overthrow.

We shall not strengthen the image of the United States in Latin America whenever we turn our back on a constitutional system.

I said we should not recognize any military junta unless we get some conditions precedent, by way of commitment. I want to know what the group that is now asking for support proposes to do about returning the Dominican Republic to a constitutional system providing for elections.

Is it merely a caretaker government for an interim period of time until the Congress of the Dominican Republic can put its constitutional processes to work again? It is perfectly obvious that what we are being asked to do is to recognize a group of militarists who have taken over a government by force. Wessin y Wessin was the leader then, and he is now. I said, also that I thought all we were doing was buying trouble for ourselves. We have certainly found it.

That does not mean that I shall support a revolutionary body in the Dominican Republic until I know at least what its intent is. There is no doubt that since we have recognized it the Dominican Government has been ruled by a military group. It is their right to revolt. It is very easy, when a group of freemen revolt against military tyranny, for many to put the label of "Communists" on them.

I have not the slightest idea how many, if any, Communists are involved. I would not be surprised if there were not some. However, my words today should be phrased in syllables of caution. Let us be careful not to prejudge what may be a good faith attempt on the part of freemen to overthrow a form of totalitarianism which has plagued this little country for many years.

VIETNAM

Mr. MORSE. Madam President, the discussion today in the Senate and in the Foreign Relations Committee about the Dominican Republic led into a discussion of South Vietnam. I shall be exceedingly brief about it. However, a good deal of this discussion today has been around the meaning of the joint resolution which Congress passed on August 7 with only 2 dissenting votes, those of the Senator from Alaska [Mr. GRUENING] and the senior Senator from Oregon.

I ask unanimous consent that the joint resolution may be printed at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors

and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member of protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. MORSE. Madam President, in spite of some of the statements I heard today from my colleagues in the Foreign Relations Committee, which I believe can fairly be said to reflect reservations on their part as to the sweep and breadth of the resolution, I voted against the resolution because of its sweep and breadth, as the material which, without taking the time to read it, I shall put into the Record shortly will show.

My argument of August 6 and 7 emphasized over and over again that I thought the resolution was entirely too broad and did not contain within its language sufficient checks on the part of Congress.

The first resolving clause reads:

That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

The words "to prevent further aggression" are absolutely undefined as to time, place, or the source of said alleged aggression.

So also are the words "take all necessary measures" totally unlimited and undefined.

That is rather broad.

Section 2 reads:

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the

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United States is, therefore, prepared, as the President determines.

How can we have a fuller sweep and a broader vesting of power, or an attempt to do it? I held then, and I hold now, that of course Congress did not have the power to vest such power in the President under the Constitution. Sincere men disagree. I continue to read from the resolution:

to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Section 3 of the joint resolution reads:

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

In some of the discussions today, some of my colleagues held that the joint resolution never contemplated giving the President of the United States the authority to bomb North Vietnam, that they never gave to the President the authority to send many thousands of men into southeast Asia.

That discussion among my colleagues in the committee arose because of the expressed concern on their part that the news tickers today had carried some articles to the effect that we were about to send two more divisions into southeast Asia. There had been no confirmation of that, from either the State Department or the Pentagon. I also say most respectfully that that does not mean that it will not happen, because all too frequently in connection with the South Vietnamese operations we have been confronted with accomplished facts, even though we were led to believe that rumors that certain things were about to take place were unfounded.

However, I shall continue, until I have proved to the contrary, to assume that the divisions are not being sent, until the Government tells us that they are.

In the debate on the joint resolution, the Chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], acting really as the Senator in charge of the bill—therefore his comments are of great importance in subsequent determination of what the intent of the Senate was, at least when it adopted the resolution—answered a considerable number of questions. I wish to quote his responses to a few. On August 6, 1964, in colloquy with the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Dakota [Mr. MCGOVERN] said:

Mr. MCGOVERN. I should like to put one other question to the Senator. Over the past few days, possibly the past 2 or 3 weeks, there have been statements in the press quoting General Khanh, the South Vietnamese leader, as saying that the war had to be won by carrying it to North Vietnam. Almost simultaneously our administration leaders have been quoted as saying that the only way the war can be won is by taking on the guerrillas in South Vietnam, and that our policy is not one of extending the war to the north; quite to the contrary, that the victory must be had in the south and that we will take all reason-

able steps to confine the war to South Vietnam.

Does the Senator think there is any danger in this resolution that we may be surrendering to General Khanh's position our attitude as to where the war should be fought?

Mr. FULBRIGHT. I do not think there is any danger of that. There is, of course, a danger in this whole area, and there has been for 10 years. It is dangerous. The policy of our Government not to expand the war still holds. That is not inconsistent with any response to attacks on our vessels on the high seas where they have a right to be.

Mr. MCGOVERN. I agree.

Mr. FULBRIGHT. I do not think the policy that the war be confined to South Vietnam has changed. I think it is still the policy. I think it is the correct one. What causes difficulty is the fact that this is a new type of war. It is not a war in the orthodox sense. This is subversion, inspired and conducted through infiltration of supplies and men by a neighboring country without a declaration of war. It does not fit the pattern of the traditional way we think of war. It is, nevertheless, aggression, a modernized, specialized kind of aggression, brought to a high degree of perfection by the leader of the Chinese Communists, Mao Tse-tung, who established the basic theory of how to conduct this type of warfare.

It is difficult to adjust our concepts to warfare of this kind. I think it is just as savage and as much in violation of international good behavior and law as is an overt invasion by troops. I tried to make this point in my remarks. North Vietnam has been an aggressor against South Vietnam; and I do not think so merely because of the testimony in the past 2 or 3 days. Over several years, we have received testimony about what the North Vietnamese were doing in Laos and to a much higher degree in South Vietnam.

They had two major ways of approaching South Vietnam, one by sea, and one by ground. The sea approach was the easiest way to supply the Mekong Delta. So we helped the South Vietnam Government try to interrupt the transfer of men and supplies to the Mekong Delta. Junks were built up for that purpose. The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping South Vietnam arm itself. I do not know about the specific boats.

I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for many years.

Mr. MCGOVERN. I am inclined to agree with the Senator. I did not want my remarks to be interpreted as prejudicing the case for aid—

Mr. FULBRIGHT. I am glad to try to clarify the situation. It is difficult and confusing.

Mr. MCGOVERN. There have been references in the press to the effect that General Khanh was in political trouble and that one way he thought he could get out of it was to divert attention from failure in the conduct of the war in the south to some kind of strike in the north, presumably largely unwritten by the United States. It was because of my concern with that possibility that I raised these questions.

I thank the Senator for yielding.

Subsequently the Senator from Maryland [Mr. BREWSTER] asked the Senator from Arkansas the following question:

Mr. BREWSTER. I had the opportunity to see warfare not so very far from this area, and it was very mean. I would look with great dismay on a situation involving the landing of large land armies on the continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the land-

ing of large American armies in Vietnam or in China.

Mr. FULBRIGHT. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. This kind of question should more properly be addressed to the chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

Mr. BREWSTER. I thank the distinguished chairman.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORTON. Mr. President, first I say to the distinguished Senator from Arkansas that I approve the action that has been taken, and I approve this resolution. On the matter which was the subject of the colloquy between the chairman of the Foreign Relations Committee and the distinguished Senator from Louisiana, can we not associate our presence in the Gulf of Tonkin to a degree with our own interpretation of our obligations under the SEATO Treaty?

Mr. FULBRIGHT. Yes. I made mention of it. That is a further responsibility that we undertook in alining ourselves with other countries in trying to bring peace and stability into this area. That was another obligation which we undertook. It fortifies our right or responsibility for being in the Gulf of Tonkin.

Mr. MORTON. I believe the action taken by the President helps to avoid any miscalculation on the part of either and North Vietnamese or the Chinese Communists. I believe the joint resolution gives that policy further strength. In my opinion, the three major wars in which we have been involved in this century have come about by miscalculation on the part of the aggressor.

I believe Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand here. If we make that clear, we will avoid war, and not have to land vast land armies on the shores of Asia. In that connection I share the apprehension of my friend the Senator from Maryland [Mr. BREWSTER].

Mr. FULBRIGHT. The Senator has put it very clearly. I interpret the joint resolution in the same way. This action is limited, but very sharp. It is the best action that I can think of to deter an escalation or enlargement of the war. If we did not take such action, it might spread further. If we went further, and ruthlessly bombed Hanoi and other places we would be guilty of bad judgment, both on humanitarian grounds and on policy grounds, because then we would certainly inspire further retaliation.

This situation has been handled in the best way possible under the circumstances, so as to calm the situation, and not escalate it into a major war.

Later the Senator from Wisconsin [Mr. NELSON] was concerned about what the resolution meant. He said:

Mr. NELSON. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the inter-

vention in 1954 was wrong. I do not know. I understand the necessity for the United States since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that, to do so, we must make gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect us to win every gamble that we take. I do not expect that. And I do not now rise here to criticize the original decision.

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

Mr. NELSON. Did I correctly understand the Senator from Arkansas to say a while ago that the language of the resolution is aimed at the problem of further aggression against our ships and our naval facilities?

Mr. FULBRIGHT. I think that is the logical way to interpret the language. It makes reference to the armed attack against the forces of the United States which has just taken place, and to prevention of further aggression against our forces. Then the joint resolution passes on to our obligations under the treaty, which involves other countries.

I believe also that it is implicit, if not explicit, in the next section that the intent is to prevent the continuing aggression that now exists against South Vietnam.

Mr. NELSON. If the Senator would permit, I should like to ask a few brief additional questions. I could not hear colloquy between the Senator from Arkansas and the Senator from Louisiana. In relation to international boundary waters, can the Senator tell me what distance offshore we recognize in respect to North Vietnam and Red China?

Then they engaged in a colloquy concerning the 12-mile theory and the 3-mile theory.

Later in the debate, the Senator from Kentucky [Mr. COOPER] made a comment:

Yes, warfare today is different. Time is of the essence. But the power provided the President in section 2 is great.

Mr. FULBRIGHT. This provision is intended to give clearance to the President to use his discretion. We all hope and believe that the President will not use this discretion arbitrarily or irresponsibly. We know that he is accustomed to consulting with the Joint Chiefs of Staff and with congressional leaders. But he does not have to do that.

Mr. COOPER. I understand, and believe that the President will use this vast power with judgment.

Mr. FULBRIGHT. He intends to do it, and he has done it.

Mr. COOPER. I do not wish to take more time now, because the distinguished Senator from Georgia wishes to speak, and I want to hear him.

Mr. FULBRIGHT. I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

At that time the Senator from Arkansas did not outline what he meant by believing that the President would consult with Congress. The President has consulted with leaders of Congress. On two occasions he has afforded an opportunity to every Member of the Senate, and I believe a similar opportunity has been given to Members of the House, to

be briefed on Vietnam. It may well be that the language of the Senator from Arkansas means that the President will consult with Congress formally in case a major change in present policy becomes necessary. I believe that is the only kind of consultation that would have any significant importance. I stress this language because it will bear upon a recommendation or a suggestion that I shall make before I finish, in view of the concern that I have heard expressed by a considerable number of Senators today in respect to the joint resolution for which they voted last August.

The Senator from Kentucky [Mr. COOPER] said later:

We have confidence in the President and in his good judgment. But I believe we have the obligation of understanding fully that there is a distinction between defending our forces, and taking offensive measures in South Vietnam which could lead progressively to a third world war.

That was not the only time the Senator from Kentucky made an observation with this meaning. That happens to be a point that I emphasized, as will be seen from the material I shall place in the RECORD, based upon the long speech of opposition I made to the joint resolution. My opinion is that many Senators apparently, from what they say now, at least, thought they were voting for a joint resolution that would result in the President coming to Congress to get support and verification for an escalation policy.

But, said the Senator from Arkansas [Mr. FULBRIGHT], in response to the Senator from Kentucky:

The question concerns the kind of actions taken in this instance. I think the President took action that is designed to accomplish the objective the Senator from Kentucky has stated. That is what I have tried to make clear. I join in the Senator's hope that all-out war can be avoided.

Madam President, I ask unanimous consent to have printed at this point in the RECORD the colloquy between the Senator from South Dakota [Mr. McGOVERN] and the Senator from Arkansas [Mr. FULBRIGHT], which occurred immediately following the statement I have just read, and which appears on page 17826 of the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. McGOVERN. Mr. President, will the Senator yield for one question?

Mr. FULBRIGHT. I shall yield for one question; then I shall yield the floor.

Mr. McGOVERN. The Senator may recall that about 10 years ago, on December 2, 1954, the United States signed with the Nationalist Chinese Government a mutual defense treaty. In effect, we committed ourselves to join defense for security interests in the western Pacific.

Shortly after that agreement was signed, there was a considerable amount of anxiety expressed in the United States that perhaps we in effect had surrendered control of our foreign policy in that part of the world to the Nationalist Chinese. Partly to offset that anxiety, there was an exchange of notes between Secretary Dulles and the Nationalist Chinese Minister of Foreign Affairs, in which the two gentlemen agreed in effect that if

there were to be any action by military forces on the part of either the Nationalist Chinese Government or ourselves in the western Pacific, the two countries would consult with each other, and that any such action would be taken only after mutual agreement.

I am wondering whether there is any similar protection written into the security arrangements that we have with reference to South Vietnam. Is that kind of protection, for example, written into the SEATO agreement, or in any of the notes which have been exchanged between our Governments, so that we would not, in effect, be surrendering control of our actions in southeast Asia to the Government of South Vietnam?

Mr. FULBRIGHT. I do not believe we are surrendering control to them. Under the SEATO Treaty, as I recall it, we take our own actions according to our constitutional processes. I do not believe that we have surrendered control of our actions. However, as a practical matter our influence upon the Government of South Vietnam is a matter of relations between our Ambassador and General Khanh. We consult daily, I believe, with regard to the conduct of our mutual affairs in that area. To give a short answer, I know of no exchange of notes, or anything of that kind. I do not recall any testimony on the precise point the Senator has brought up.

Mr. McGOVERN. What I am getting at is, suppose the Government of South Vietnam, for whatever reason, should decide to launch a major military attack on North Vietnam, would we be obligated in any kind of arrangement we have with South Vietnam?

Mr. FULBRIGHT. No. We have no obligation to follow through with a situation which we believe to be unwise, stupid, or silly. We could disavow it and withdraw and have nothing to do with it. We have no treaty agreement or any other agreement that I know of that binds us to follow through with that.

Mr. LAUSCHE. The southeast Asia treaty provides specifically that it is applicable only when aggressions are committed against members of the treaty, and is not applicable should members of the treaty commit aggressions against countries other than those who are members of the treaty. That is written into the treaty.

Mr. FULBRIGHT. I believe that it also applies only to aggression from Communist countries.

Mr. MORSE. It covers the protocol countries.

Mr. McGOVERN. I was not a Member of the Senate at the time, and I know that the Senator from Arkansas knows infinitely more about it than I do, but when the Formosa resolution was approved by Congress early in 1955, I believe that the approval for that resolution was secured partly because of the exchange of notes which had taken place months before, in which both Nationalist China and the United States agreed that neither country would undertake any kind of military action in the Pacific without making it a joint action. It is on the basis of that assurance that the Formosa resolution was approved. So that is why I rose to ask my question.

Mr. FULBRIGHT. I know of no such exchanges in this case.

Mr. McGOVERN. I thank the Senator.

Mr. MORSE. Madam President, on August 7, the debate continued. Without taking the time to read it, I ask unanimous consent that such parts of my speech of August 7, 1964, as I shall designate, in opposition to the joint resolution, be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

It is easy, understandable, and natural in a time of high national emotion, in a time of strong patriotic fervor, to say, "Give 'em the works." It is also true that in such an hour of high national emotion and hysteria, we who sit in seats of responsibility, so far as the legislative process is concerned, can say, "Let us wait. Let us first analyze the situation on the facts, and then vote the authority that is needed to protect the country. Sincere and honest men can differ as to the procedural form that the grant of such authority shall take."

In 1955 and again in 1957 the senior Senator from Oregon took the position, as he does in the instance of this resolution, that the Middle East resolution and the Formosa resolution would be grants of authority to the President to exercise power which would amount to predated declarations of war. That should not be done. It is not necessary. All the world knows that any country that attacks the United States will be met immediately with the exercise of the inherent power of the President, under the Constitution, to defend the Republic. All the world knows that if any country continues an attack upon this country, the President will come before this body and quickly, as the great Roosevelt did after Pearl Harbor, in 1941, obtain from Congress a declaration of war. What more is needed?

A constitutional principle is involved. It is dangerous to give to any President an unchecked power, after the passage of a joint resolution, to make war. Consider the procedural complications that could develop if Congress decided that the President was making serious mistakes in the conduct of a personal war—for it would be a Presidential war at that point. How would the President be stopped? He could not be stopped. Consider what would happen to this Republic if we got into that kind of conflict with the President in carrying out the joint resolution.

But, say some, see what the end of section 3 provides:

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

That would create a nice mess, would it not? That would be a nice portrait of the United States to paint before the eyes of the world. What havoc of disunity that kind of procedure would encompass.

What is wrong with letting the Constitution operate as written by our constitutional fathers? Why this indirect amendment of the Constitution? There are Senators, for whom I have deep affection, who become a little shaken, in our private conversations, when I say, "What you are really seeking to do is to get around the amending process of the Constitution. In effect, you are trying to get around article I, section 8, by amending the Constitution by way of a joint resolution."

I do not believe we ought to establish any more precedents of this kind. I do not accept the argument that because we have made two mistakes in the past—we made no mistake in connection with the Cuban resolution; and I shall speak on that later—because we made mistakes in the Formosa and the Middle East joint resolutions, we can make another one. Even a repetition of mistakes does not create a legal right in the President. I do not believe it is good legislative process to repeat mistakes. We ought to stop making them.

In effect, this joint resolution constitutes an amendment of article I, section 8, of the Constitution, in that it would give the President, in practice and effect, the power to

make war in the absence of a declaration of war. It is also important to demonstrate to the world, including the free nations, that the Constitution of the United States is not an instrument to be tinkered with; that the Constitution is a precious, sacred document, so far as our form of government is concerned, and is not subject to subversion in the legislative process. We should never miss an opportunity to demonstrate this principle to the totalitarian nations of the world. We should never forget that under Fascist or Communist regimes there are no rights and liberties of the person.

It is proposed, by this joint resolution, to subvert the Constitution. We are engaging in a subterfuge, so far as article I, section 8, is concerned. We should not do that. We should not in any resolution tinker with the Constitution in respect to the powers and prerogatives of the President, and the limitations upon such powers and prerogatives.

Going back to section 1 of the resolution, I assert again that in the language "to take all necessary measures to repel any armed attack against the forces of the United States," there is no question about the inherent power of the President to do so without a resolution.

I have stated that if this proposed grant of power implies that the right of the President of the United States to take all the necessary measures to "repel any armed attack against the forces of the United States"—which former Secretary of State Dulles and Admiral Radford asked for in 1954—includes the authority to commit an act of aggression before an act of aggression is committed against the United States, on the basis of the theory of a preventive war, that is a dangerous doctrine. It cannot possibly be reconciled with the Constitution; nor can it be reconciled with sound national policy.

There is no question that the meaning of the next four words on line 6 of page 2 clearly authorize—"to prevent further aggression."

That is when the whole realm of judgment upon the part of the President of the United States comes into play. That is when we substitute the President for article I, section 8 of the Constitution. That is when we say to the President, "You can go beyond acts of immediate self-defense of the Republic. You do not have to come to the Congress, as Franklin Roosevelt did after Pearl Harbor, and ask for a declaration of war. You can proceed in the exercise of your judgment to prevent further aggression."

The uninformed, unenlightened editor of the Washington Post who wrote that stupid editorial in this morning's paper has not the slightest conception of the meaning of those words. If he had, he would not have written in his editorial:

"There is no substance in Senator Morse's charge that the resolution amounts to a 'predated declaration of war.'"

That is exactly what those words mean. It is incontrovertible. The President would not have to come and ask for a declaration of war. He would be given sanction by Congress to make war without a declaration of war. It will be noted that I do not say "the authority," for the authority cannot be granted by Congress. Congress cannot amend the Constitution in this way. This does not conform to the amendment processes of the Constitution. It is proposed that Congress sanction the action of the President in making war, if in his judgment, he thinks making war is necessary to prevent further aggression. I shall come to that point later. But that is why I said last night that so many want to turn away from the most delicate question involved in the debate. That is why I said last night—and shall discuss it at greater length today—that

the President and our country were quite right in meeting the attack on the destroyers last Tuesday night. But, in my judgment, that did not empower him, under the right of self-defense, to try to proceed beyond protecting those ships, and strike the mainland of North Vietnam. In my judgment, that constituted an act of war—not an act of self-defense.

Mr. President, at that point, under our treaty commitments, our allegations in regard to the absolutely inexcusable and illegal attack on our ships on the high seas by the North Vietnamese forces should have been taken immediately to the United Nations. As to that attack we had an unassailable case. They attacked us on the high seas and we responded in self-defense.

We were clearly within our international law rights. Unfortunately we did not stop there. We then went beyond our rights of self-defense and proceeded to bomb the mainland of North Vietnam.

We either support a rule of law procedure or we ignore it. We ignored it. We had an irrefutable case of violation of international law by North Vietnam in connection with their attack on our ships. We would have a hard time, under international law, supporting our subsequent attack on North Vietnam in the absence of a declaration of war. There will be those who will say that that is cutting the line pretty fine. Nevertheless, the difference is between acting within the Constitution and acting outside of it. It is the difference between staying within our rights of self-defense and proceeding to turn ourselves into an aggressive warmaking power.

No one despises, hates, and repudiates more than does the senior Senator from Oregon, communism, Communist regimes, including North Vietnam, Red China, Cuba, Red Russia, and all of the rest. But I do not propose to allow my hatred, my detestation, my complete disgust with the police state methods of a Communist regime to cause me to give support to a proposal to go outside the constitutional guarantees of our system of government. I want to keep my Government in an impregnable position, so that we can go before any international tribunal and establish our case, and not have thrown back in our teeth a showing to establish a series of allegations in regard to the exercise of power and military might on the part of the United States that takes us outside the framework of international law.

There is no doubt that the language, "to prevent further aggression," rouses all the objections that I made in 1955 to the Formosa resolution. This proposal seeks to vest in the President of the United States the power to carry on a so-called preventive war. By preventive war, we mean making a war against another country because it is assumed that that country is about to make war, or contemplates making war, against the United States. Such authority is not to be found in the Constitution. The Congress cannot give such authority to the President of the United States as far as the Constitution is concerned. It can sanction the exercise of the authority but the exercise of the authority would still be just as much outside the Constitution as though the President acted without the joint resolution. The joint resolution could never make legal the exercise of such authority by the President of the United States.

That is not the only place in the resolution in which we would give to the President a preventive war authority. I refer the Senate to section 2, line 7, which provides—

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution—"

It has been agreed, by way of an amendment to the joint resolution, that that

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means the Constitution of the United States—"and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, that is an awful power to give to a President. If the Washington Post does not think that that is a predated declaration of war, the editor ought to start asking himself some questions about certain hypothetical situations.

Shall we allow any President of the United States to decide, with no check—that is, no check for immediate application—to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom?

We had better pause long enough to take a look at the nature of some of the countries involved, because many of the countries are not free countries. Many of those countries are totalitarian countries. Many of those countries are dictatorships. It is wishful thinking to assume that it would be safe to give the President of the United States unchecked authority to proceed to use American boys in defense of those countries on the basis of claims that acts of aggression are being committed against them by some other country, without a congressional check. Have we reached the point in American foreign policy where we are going to permit the President to send American boys to their death in the defense of military dictatorships, monarchies, and Fascist regimes around the world with which we have entered into treaty obligations involving mutual security, no matter what the provocation and no matter what wrongs they may have committed that cause an attack upon them? Are we going to do that without a check of Congress by way of a declaration of war? What are we thinking of? What time factor would justify such precipitate action?

Mr. President, this Senator will never vote to send an American boy to his death anywhere in the world under any such language as is contained in that part of the joint resolution. It is of utmost importance that we surround that language with a congressional check. And there is none.

One could say, as I said a few moments ago, "But, Mr. Senator, the Congress can terminate this authority by a concurrent resolution."

I have already pointed out the kind of hassle that such a situation would create, and the kind of disunity that such action would produce. The American people should be protected from a possible abuse of the authority. So long as abuse of a procedure is possible, the procedure should be modified to prevent the possibility of the abuse.

Mr. President, that is why it is so important that we hold any President—I care not who he is—to article I, section 8, of the Constitution in the carrying out of mutual security agreements. We should hold him to the approval of the Congress before the fact and not after the fact.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRUENING. I wish the Senator would discuss what seems to me the obvious escalation of the war by the authority granted in section 2 of the joint resolution—"To assist any member or protocol state of the Southeast Asia Collective Defense Treaty."

Mr. MORSE. I was about to do so.

Mr. GRUENING. Hitherto we have been dealing wholly with South Vietnam. The President has stated his purpose, which is quite evident—not to extend the war.

In the section to which I referred we are including a number of additional nations into which we could send our Armed Forces. The joint resolution would extend the prospective war all over southeast Asia, would it not?

Mr. MORSE. It certainly would, with no check on it.

Mr. GRUENING. In other words, in effect, the Congress would authorize an escalation of the war to Thailand, Laos, Cambodia, North Vietnam, South Vietnam—and what else?

Mr. MORSE. Pakistan.

Mr. GRUENING. I have in my possession, which I intend to present when the foreign aid bill comes before the Senate, a statement from a high official of Pakistan indicating that his government has no intention of using the nearly \$1 billion in military aid that we have given to Pakistan to help out our cause because it is needed in their prospective difficulties with India.

Mr. MORSE. The Foreign Minister of Pakistan in effect made that statement in Washington, D.C., when he addressed the Press Club not so many weeks ago. He was asked by a newspaperman at the meeting to state whether or not Pakistan could be counted upon to be of assistance in southeast Asia. He said, "No."

He gave his reason. His reason was Pakistan's involvement with India. Pakistan has no intention of responding to any calls to SEATO members.

I yield further.

Mr. GRUENING. It seems to me that the joint resolution presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan, which is really not in southeast Asia, but which is in south central Asia, and it seems to me a very dangerous, unwarranted, and unprecedented action.

Mr. MORSE. Do not forget, Pakistan is a member of SEATO; its obligations to South Vietnam are the same as ours.

Mr. GRUENING. Yes; but it has shown no disposition whatever to carry out its obligations under that treaty.

Mr. MORSE. That is correct; but, she being a SEATO member, we would be obligated to go to her assistance.

Mr. GRUENING. This resolution, in effect, is an authorization which would be the equivalent of a declaration of war by the Congress. Would it not be?

Mr. MORSE. I think so.

Mr. GRUENING. That is one thing I am very apprehensive about. If we should get into an all-out war, which I fear may happen, this resolution would be considered the authorization by the Congress to so proceed. Would it not?

Mr. MORSE. That is correct.

Mr. GRUENING. I expressed my views on it yesterday. I do not at all criticize the President—in fact, I think the President was correct—for repelling the assault, whatever may be the background, on American vessels and destroying the attackers. I approve of that action, but the resolution goes far beyond such action, which apparently precipitated the request by the President for such a resolution, and covers the whole of southeast Asia area. I distinctly disagree with the administration policy.

As I have stated repeatedly, this was a policy which the President inherited, and from which I hoped he would disengage himself. He inherited it from the Eisenhower administration, from John Foster Dulles, when we picked up the fiasco the French had engaged in with the loss of over 100,000 young lives. We contributed vast sums of money to that operation. It was obviously a failure.

Now we have escalated it, as could be foreseen, and as I in fact did foretell, and as the Senator from Oregon foretold, into an all-out war in southeast Asia. Regrettably, the end is not yet. I am extremely fearful about the situation.

This is a moment when patriotic passions are aroused, and it seems indicated that we should do whatever the President asks.

It is very painful for those of us who disagree with the policy. I felt it was wrong in the beginning and have repeatedly stated for 5 months that I thought it was wrong, and that we should continue to try to find a peaceful solution; that we should take the issue to the United Nations and seek a ceasefire. It is, as I have said, painful not to support the President, but I cannot do so in good conscience under the blanket terms of this resolution.

Mr. MORSE. As the Senator knows, last night it was impossible for him, because of a previous appointment, to be present when I paid my high respects to him for his courage, statesmanship, and leadership in this matter for many months past. I said last night that the Senator from Alaska had put the issue squarely.

Now, in a very few moments, the Senator from Alaska has summarized succinctly the major points of the address I have been making on the floor of the Senate the last hour and 15 minutes. I wish to formalize those points before I come to the next major issue which I shall discuss in my speech.

What I have said expresses my views as to the power that would be granted to the President in the resolution. It is what I have called an undated declaration of war. I summarize the points as follows:

First, the unlimited language of the resolution would authorize acts of war without specifying countries, places, or times. That language cannot be reconciled with article I, section 8 of the Constitution. It amounts, in fact as well as in law, to a predated declaration of war.

Next, as I said last night, we have armed forces in South Vietnam, some 20,000, or more, apparently, with the number increasing by plane load after plane load.

Senators can bemoan and warn against a land war in Asia, but the resolution would put the United States in the middle of the Vietnam civil war, which is basically a land war.

Under the resolution Congress would give to the President of the United States great authority, without coming to the Congress and obtaining approval by way of declaration of war, to carry on a land war in South Vietnam. The choice is left up to him.

As I said last night, the interesting thing is that South Vietnam, with a population of 15 million, and an armed force of 400,000 to 450,000 men, has been unable, through all the years of the holocaust in South Vietnam, to put down a Vietcong force of a maximum of 35,000 men. The Pentagon and the State Department, in testifying before the committee, say the number probably does not exceed 25,000. We have to have more than 20,000 American boys over there to die in whatever numbers they are killed, in an attempt to win that war. And for whom?

Mr. President, the leaders of this Government keep talking about freedom in South Vietnam. There is not one iota of freedom in South Vietnam, for the South Vietnamese people, by and large, do not know what the word means. I quoted in a speech the day before yesterday, a letter I received from a Republican Member of Congress, in full support of the position I have taken on this issue. I paraphrase it, although the quotation is already in the Record. He said that the average man of North or South Vietnam would not know what democracy looked like if he met it on the main street of Saigon. The difference between their governments is

like the difference between tweedledum and tweedledee. But both are interested in the next bowl of rice.

That is why this Senator has been pleading for years, in connection with foreign policy, that the great need of the United States in the field of foreign policy is to export economic freedom and to stop exporting military aid, for our military aid makes Communists. Prepare the seedbeds of economic freedom for the masses of the people of any country and we prepare for the growth of freedom. Unless the people are first economically free, they cannot be politically free; and, what is more important, they will never understand political freedom until they are first economically free.

There is great danger now that Congress will give to the President of the United States power to carry on whatever type of war he wishes to wage in southeast Asia. That is why I said, in answer to an argument that was made on the floor of the Senate yesterday, apparently some colleagues are laboring under the illusion that perhaps the resolution would reduce the danger of fighting a land war in Asia. There is not a word in the resolution that has any bearing on the subject. To the contrary, the broad, sweeping, sanction of power—note my language, because it cannot be done legally—the broad, arbitrary, sweeping power Congress is sanctioning for the President would in no way stop him from sending as many American boys as he wants to send into South Vietnamese to make war.

As the Senator from Alaska has said over and over again, and as I have joined him in saying, all South Vietnam is not worth the life of a single American boy; and the killing of a single American boy in South Vietnam is an unjustified killing. It ought to stop. It is not going to stop until we turn our warmaking policy into a peacekeeping policy. It is not going to stop until we insist that our alleged allies in SEATO come in with as many divisions of peacekeeping units as are necessary to keep the belligerents apart. It is not going to stop until the United Nations, under the procedures of international law, can come in and keep the peace and set up whatever controls are needed, by way of United Nations trusteeships if necessary, to bring that war to an end.

This result will not be achieved by unilateral military action. It makes me sad to have to say it, but I am satisfied that history will record this horrendous mistake of the United States in its false assumption in the year 1964 that it could supplant in South Vietnam military control by Asians with military control by the United States.

We could never win such a war. We might win military victory after military victory. If we did not stop the escalation, we would kill millions of people, because the escalation, step by step, would lead to all-out bombing of North Vietnam and Red Chinese cities. When we were through, we should have killed millions and won military victory after military victory, but we should still have lost the war.

The United States can never dominate and control Asia, with 800 million people in China alone. That kind of war would create a hatred for the United States and for the white man generally that would persist for centuries. Dominating Asia, after destroying her cities and killing her millions by bombings—that is the danger that we are walking into—would not make the white man supreme in Asia, but only hated.

We know what the floods of human history do. Eventually the white man will be engulfed in that Asiatic flood and drowned.

Mr. MORSE. Madam President, I shall comment on only a point or two by way of quotation; then I shall summarize my position, because it bears on some of the conversations I have had

today with other Senators who apparently, in some instances, thought they were voting for a joint resolution that was free of the very objections that I raised to it in my speech opposing it last year. For example, I said:

So I am concerned about the resolution in respect to its giving to the President what I honestly and sincerely believe is an unconstitutional power—that is, the power to make war without a declaration of war. It feeds a political trend in this country that needs to be checked. For sometime past in this Republic we have been moving in the direction of a government by executive supremacy.

It is very interesting to listen to the arguments that one hears for extending and expanding the power of the White House. It is extremely important—and I speak soberly and out of a depth of great sincerity—that we never grant a single power to any President, I care not who he is, that in any way cannot be reconciled with that precious fundamental foundation of our Republic; namely, a system of three coordinate and coequal branches of government.

It is dangerous to the freedoms and liberties of the American people to vest in any President, at any time, under any circumstances, power that exceeds the constitutional concept of three coordinate and coequal branches of government.

Then I discussed at length and in some detail my view of the joint resolution, saying that it did give to the President broad, sweeping power to make war.

I do not see how one can read the joint resolution and reach any other conclusion. Yet, I listened to a colleague on the Committee on Foreign Relations say to a high official of this Government who interpreted the resolution as giving the broad power that I was objecting to last year: "If I thought that I was voting for that power, I would have voted against the resolution with WAYNE MORSE, not for it. That is not what I voted for."

I am afraid he did, may I say to the Senators who, in effect, have said, "I did not vote for a resolution that would authorize the President to send thousands upon thousands of American troops into Vietnam or into southeast Asia." That is what concerns them today. I do not believe any Senator knows tonight how many thousands of American soldiers we now have in southeast Asia and how many thousands more may be on the way.

This has been an interesting day in the Senate. I have listened to many expressions of hindsight on the part of some of my colleagues who are disturbed about the rapid escalation of the war in North Vietnam and who did not believe when they voted for this resolution that they were voting to empower the President of the United States, without a declaration of war, to bomb North Vietnam.

I believe that they did vote for it. I did my best to get them to see that that was what they were voting for. I do not know how one could have been more explicit than I was.

Apparently they shared the feeling that was sincerely held by the chairman of the Foreign Relations Committee and eloquently expressed by him, which was contrary to the views expressed by the Senator from Alaska [Mr.

GRUENING] and the senior Senator from Oregon.

The sad fact is that they voted for a blank check and now that the numbers are being filled in all the American people are going to suffer.

(At this point Mr. HART took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, earlier this afternoon I said that the Foreign Relations Committee now has an obligation to proceed with some consideration on the joint resolution that was passed last August. I have heard enough doubts expressed today as to what this resolution means that I think the American people are entitled to have the thought of the Foreign Relations Committee clarified, or try to.

Section 3 reads:

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Congress of course reserved the right to terminate it. There is also a clear implication that they reserved the right to modify it—and I think it is time for members of the Foreign Relations Committee—the resolution came from the Foreign Relations Committee—to formally and officially raise this question and give the Senate at least an opportunity to decide whether it wants to reaffirm its position of last August, or declare war, or terminate the power that it thought it could give to the President, but which, in the opinion of the senior Senator from Oregon, it could not possibly delegate to the President.

Since last August 7, both the President and Congress have been engaged in a clearly unconstitutional course of action. We cannot delegate this power to the President. The President under the Constitution has no authority to exercise the power. However, we have been confronted with a type of legal anomaly such that if Congress and the President really usurp power or act outside the law in this interesting field of the law, we know of no procedure that can get the question to the U.S. Supreme Court for review and determination.

I say, good naturedly and respectfully, and out of love and affection for my colleagues who have been so disturbed today about whether or not they are going along with the policy that they did not think they voted for last August, that they owe it to themselves, to the Senate, and to the American people to formally, as members of the Foreign Relations Committee, bring that resolution back to the floor of the Senate for reaffirmation, for extermination by way of repeal, or, if they really want to fight a war with the lives of American boys, live up to article I of section 8 of the Constitution and introduce a resolution declaring war.

I wonder why they do not do that. It is interesting to speculate on that question. I wonder if Congress dares declare war against any country in southeast Asia.

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If it is going to fight a war, it ought to declare it.

I wonder if the Members of this Congress—at least some—might have a slight feeling that perhaps the American people would not approve of a formal declaration of war. I wonder if they have a lurking suspicion that would put upon them and this Government for the first time the obligation of telling the American people all the facts about America's course of action in southeast Asia.

I am satisfied that if we could only get all the facts before the American people about the outlawry of the United States in southeast Asia, the American people would repudiate both the White House and the Congress.

I wish my colleagues who are so disturbed today would now proceed to act on their hind-sights. I know the old rationalization—"The fat is in the fire. It is too late. There is nothing we can do about it."

We had better do something about it. Mr. President, we had better do what we can to give greater assurance than we are at the present time that mankind is going to be saved from a holocaust that could very well start in Asia.

I was a little amused today to learn that the Secretary of State is not opposed to debate. He is not opposed to the expression of criticisms, of opposition. Yet the record he made leaves the impression that he wishes people would not debate and would not express opposition. The Secretary of State cannot have freedom of speech and censorship at the same time. I want him to know there is going to be freedom of speech as long as we remain free in this country. But, of course, if there is a declaration of war, there will be many restrictions on freedom. That is inevitable. But until there is a declaration of war, it is of vital importance, despite the disgraceful speech the Secretary of State made several nights ago, which I criticized on the floor of the Senate. It means only one thing if he was speaking for the administration—and I have no doubt he was—the less discussion we have in this country about America's shocking course of action in making war unilaterally in Asia, the better this administration will like it. But there are a good many of us who are not going to oblige them, for the people are entitled to know, as best we can inform them.

I hope the remarks I have made here today will convince some of my colleagues on the Foreign Relations Committee and some of my colleagues in the Senate who are not on the Foreign Relations Committee to give careful consideration to a review of all the possible implications of the most unfortunate resolution the Congress passed last August 7, which has created such an ugly image of the United States around the world.

Even some of our best friends do not like our war breath. They like to turn away from it. They find it impossible to break their association with us at this time. So they continue to give us words of encouragement, and they themselves walk out on their obligations, by their signatures to the United Nations Charter, of calling for the application of existing

peaceful procedures for the settlement of disputes that threaten peace.

Let me say to my Canadian friends who have criticized me in recent days because I have criticized the Prime Minister of Canada, Mr. Pearson—and I repeat my criticism this afternoon—that Canada clearly is obligated under the United Nations Charter to have laid this threat to the peace to mankind before the United Nations. I say to the Prime Minister of Great Britain that his dependence upon the United States in stabilizing the British pound does not justify Great Britain in not calling the United States to an accounting, along with our Communist opponents, under the procedures of the United Nations Charter.

I say to the Prime Minister of Italy, who was feted in Washington, that when he gets back to Italy I hope his government will live up to its obligations resulting from its signature to the United Nations Charter and ask for an international conference on the war in Asia under the auspices of the United Nations, with the United Nations representative sitting at the head of the table and the combatants, including the United States, on the two sides of that table—the United States and South Vietnam on one side and the Vietcong and the North Vietnamese on the other—because at the present time, in spite of all the acts of a provocateur of which the United States is guilty, Red China is not in the war yet. May God prevent her from ever coming in.

But I think she will if we continue our course of action, for we are going to give her no alternative.

The only hope, as I see it, is an international conference for negotiations, not bilateral in nature, for we cannot have those any more, but a trilateral negotiation, a tripartite negotiation, a negotiation with the two opposing forces, of which the United States and South Vietnam happen to be one, but in the middle and as chairman, so-called, of the conference, officially selected representatives of noncombatants. That is the honorable way.

There is nothing dishonorable about that, Mr. President. It is a hopeful way. It calls for our alleged friends in other countries coming to realize that if the world is thrown into a major holocaust as a result of this war, they cannot escape their fair share of responsibility for letting it happen.

It is hoped, of course, that a military victory may be a face saver for the United States. It is hoped to have a victory by sending increasing thousands of Americans trained in jungle fighting—and they have been in training for many months past. There has been a design to escalate the war by the Secretary of Defense, Mr. McNamara, by the Ambassador to South Vietnam, Mr. Taylor, by the Bundys at the White House and the State Department, by the Secretary of State himself. The plan for escalating the war has been in operation, behind the scenes, for many months.

I say to the American people, "Do not let them pull the diplomatic wool over

your eyes. You are entitled to know the facts."

Of course, we may win great military victories, yet lose the war. The United States continues its program of acting as a provocateur in Asia, which is the chief role of the United States in the war up to the present time, to provoke and provoke and provoke to get North Vietnam to act, which we did.

For many months the testimony by leading witnesses of the Johnson administration before the Committee on Foreign Relations was that North Vietnam was not in the war in any numbers whatsoever, that 80 percent to 90 percent of the fighting personnel in South Vietnam were South Vietnamese. For months and months those witnesses from the Pentagon and State Department testified that they had not been able to detect a single cadre of North Vietnamese. Then came Tonkin Bay, where we provided cover for small naval vessels of the South Vietnamese, completely equipped by the United States, in violation of the Geneva accords. Those vessels bombed two North Vietnamese islands 3 to 6 miles from the mainland of North Vietnam, with our destroyers on the high seas but in a position of cover and constant radio communication with Saigon, which was fully informed of every mile of the voyage of the bombing ships.

We were attacked on the high seas, and we therefore had a right to respond to the attack, although we provoked it. Then, with the second bombing, we were still on the high seas and had every right to respond to it. But, we had no right under international law to bomb the mainland of North Vietnam. When we did, under orders of the President of the United States, we became a clear aggressor against North Vietnam.

I do not know why anyone is so surprised that following that act of aggression there then was a definite speedup of North Vietnamese activity in the war. That is what we expected. Of course, our duty—after we attacked the North Vietnamese torpedo boats, which we had a right to do in national self-defense—was to lay the violations of international law immediately before the United Nations Security Council.

There is nothing in international law which authorizes a country in such a situation to proceed to make war on territory of a country which has violated international law on the high seas.

Many times I have stated in the past year and half—and repeat tonight—that I am perfectly satisfied that the real objective of the preventive war crowd in the Pentagon and the State Department is to bomb the nuclear installations of Red China. That is what they are after. They know well that, when they do, they will bring Red China into the war.

No Senator can deny what I now assert, that when Red China starts to move on the ground, the plan will be to send over several hundred thousand American boys to the mainland of Asia.

Authority after authority—who have forgotten more about Asia than the President's advisers will ever know—have pointed out that those boys will come back to the United States in tens

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of thousands of coffins in the years that it will take for us eventually to get out of China.

That is the horrendous picture which faces the people of the United States. That is why I repeat—and it is not pleasant to do so—that the President of the United States owes it to the American people to recommend either a declaration of war against whatever countries he proposes to fight a war, or to go back and put into practice the great American ideal—in regard to which we led the world for years, but now have sullied that record—that we are ready to substitute the procedures of the rule of law for America's jungle law and the law of America's claw in Asia.

Mr. President, that is our obligation. It still is not too late, but it is growing later. There is still time, but not too much. Mr. President, you and I know that when those tens of thousands of American boys reach Asia, there will not be much time to talk about preventing war. There will not be much time, then, nor will it be appropriate if we are in a massive war, to talk about proposing the substitution of the rule of law for war. Then, we shall be completely in the hands of our friends. Then, our only way to get out will be for our friends to do what they should have done more than a year ago, when the seriousness of the situation became obvious to the world: They should have called for submission of this dirty war to procedures which exist for the settlement of disputes which threaten the peace of mankind.

Mr. President, it is fine for the President to say that he is for unconditional discussion. It sounds good. But, who is going to conduct it? What will its format be? Has the State Department actually advised him that it is within the realm of reality that the United States can say to North Vietnam and China that we have not even indicated a willingness to deal with the other side of the civil war in South Vietnam, which happens to be in a majority, controlling not only a majority of the land but also a majority of the people? Too many people in this country seem to believe that Saigon is South Vietnam. It is a very small part of South Vietnam.

That happens to be the headquarters of the American puppets who have denied freedom to the South Vietnamese people ever since the Geneva accords were signed on the part of those who participated in the conference.

No, Mr. President, we cannot have unconditional discussions now on a bilateral basis. We can have unconditional discussions only if we have a sharing and directing in those negotiations on the part of official representatives of noncombatants. That is why the senior Senator from Oregon has pleaded for a year and a half from this desk, and will continue to plead, until there is a declaration of war, that my country take advantage of one of the greatest opportunities and obligations that destiny has placed upon its shoulders, to recognize before it is too late that our present course of action means a holocaust, un-

less for a time North Vietnam and China may give the appearance of capitulating because we shall have wreaked military devastation upon them in the months ahead.

However, let us not be fooled by the appearance of a capitulation. If we continue this course of action we shall have earned the hatred not only of North Vietnam and Red China, but also of all Asians for a thousand years or more. If we refresh our memory on what has happened to other nations in the course of the history of men who came to feel that they were powerful enough to dominate any people who did not do their bidding, we learn that those countries ultimately fell because of the vengeance and hatred of the millions that they came to dominate. Finally in this instance they will become more powerful as a weapon for destruction than America's hydrogen bombs.

Many do not like to hear me talk about our acting on the basis of moral values. They seem to think that when we get into a war, morality goes out. I believe that any country that follows a course of action such as my country is following today, which cannot possibly be squared with morality, will ultimately lose, no matter how many military victories it wins.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. MORSE. Mr. President, on behalf of the junior Senator from Maryland [Mr. TYDINGS], I ask unanimous consent that his name be added as a cosponsor of the resolution (S. Res. 102) to disapprove Reorganization Plan No. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 55 minutes p.m.) the Senate adjourned, under the previous order, until Monday, May 3, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 30, 1965:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. For appointment:

To be senior surgeon

Paul D. Pedersen

To be senior assistant surgeons

Alan I. Levenson

Amos C. Lewis

To be senior assistant sanitarian

William P. Wollschlaeger

II. For permanent promotion:

To be assistant pharmacist

Douglas O. Sharp

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 1965:

U.S. AIR FORCE

The following-named officers for appointment in the Regular Air Force, to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major generals

Maj. Gen. James C. McGehee, 1746A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Thomas E. Moore, 1804A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Francis C. Gideon, 1993A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John N. Ewbank, Jr., 1881A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. George B. Greene, Jr., 1736A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Melvin F. McNickle, 1891A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Reginald J. Clizbe, 2004A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert N. Smith, 3783A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Selmon W. Wells, 3991A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jack J. Catton, 4719A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Andrew J. Kinney, 1661A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Veal, 1902A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Eugene B. LeBeilly, 1920A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gilbert L. Meyers, 1958A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Alvan C. Gillem II, 2025A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Rollen H. Anthis, 2053A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph A. Cunningham, 2054A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John B. McPherson, 2068A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gerald F. Keeling, 3827A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John B. Henry, Jr., 4129A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John W. O'Neill, 4155A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Earl C. Hedlund, 4170A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jamie Gough, 4511A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Samuel C. Phillips, 8981A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Kenneth E. Fletcher, 19136A (brigadier general, Regular Air Force, Medical), U.S. Air Force.

To be brigadier general

Brig. Gen. Emmett M. Tally, Jr., 1312A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Linscott A. Hall, 1342A (colonel, Regular Air Force), U.S. Air Force.